



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,687	04/02/2004	Uwe Eckhardt	5800-00601	9738

53806 7590 11/30/2007
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL (AMD)
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

SAN JUAN, MARTINJERIKO P

ART UNIT	PAPER NUMBER
----------	--------------

2132

MAIL DATE	DELIVERY MODE
-----------	---------------

11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

20

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/816,687

Applicant(s)

ECKHARDT ET AL.

Examiner

Martin Jeriko P. San Juan

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-69 and 71.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 3. NOTE: The proposed amendments added new claims that raise new issues.

Continuation of 11. does NOT place the application in condition for allowance because: The amended claims have incorporated dependent claims that have been previously rejected. The rejection of these dependent claims will be further elaborated.

Regarding claim 1, Beach teaches a method of performing encrypted WLAN (Wireless Local Area Network) communication, comprising the steps of: operating driver software to perform a connection set-up for said encrypted WLAN communication [Pg 4, Par 0054-0058] [Pg 7, Par 0110]; and operating a WLAN chip to perform data frame encapsulation and/or decapsulation during said encrypted WLAN communication [Pg 4, Par 0060-0062] [Pg 7, Par 0110]; wherein said connection set-up is performed by executing software-implemented instructions of said driver software without exchanging intermediate data with said WLAN chip [Pg 4, Par 0054-0058] [Pg 7-8, Par 0111]; and wherein said data frame encapsulation and/or decapsulation is performed by operating single-purpose hardware of said WLAN chip without executing software-implemented instructions of said driver software [Pg 4, Par 0059] [Pg 3-4, Par 0037] [Pg 7-8, Par 0111].

Beach teaches these combination of features of claim 1 as disclosed in his embodiment of a mobile unit computer with the WLAN adapter [The mobile computer is the host computer for the WLAN adapter.]. The lower level MAC functions are performed in the WLAN adapter [Pg 7, Par 0105], which includes the CRC and WEP functions. The host computer, containing the special software, performs the higher-level MAC functions [Fig 2, Itm 22]. Since there are many design considerations regarding what the high-level MAC functions would be on the host computer, Beach teaches roaming/association [which is the same as connection establishment/maintenance] only on host computer, and the rest of the high-level MAC functions such as retransmission and fragmentation/reassembly be left on the MAC engine [or the WLAN card/chip] [Pg 7, Par 0110]. This achieves functional independency by the WLAN card/chip of processing data packets strictly for WLAN communication. This means that there is no intermediate data being shared between the host and the WLAN engine because all the data processing with respect to WLAN communication is being performed by the WLAN card/chip. This also means that encapsulation and/or decapsulation of data frames "is performed by operating single-purpose hardware of said WLAN chip without executing software-implemented instructions of said driver software" because of the functional independency of the WLAN card/chip.

With regard to dependent claim 4, Beach teaches the method of claim 1, wherein the step of performing said connection set-up comprises exchanging cryptographic keys between a WLAN station and another WLAN station and/or a WLAN access point [Pg 6, Par 0094]. Examiner notes that Par 0094 is evidence of a WEP process. In a WEP process, it would have been part of the algorithm to exchange a secret key in the initialization process which would have been or suggested to be in the step of performing a connection setup between a WLAN station and another WLAN station and/or a WLAN access point.

With regard to dependent claim 5, Beach teaches the method of claim 1, wherein performing said encrypted WLAN communication further comprises obtaining a plurality of data frames intended for said data frame encapsulation from driver software [Pg 7, Par 0111] [Pg 8, Par 0121] [Pg 9, Par 0131]. Examiner notes that Par 0121 provides evidence of packet buffer management. Par 0111 is evidence of the partition between hardware and software in terms of the locations of the various MAC functions. Par 0131 is evidence of packet encapsulation/decapsulation. Examiner notes that these are evidences of obtaining a plurality of data frames (intended for encapsulation) from the driver software because WEP involves stream ciphering process in which the data packets/frames is continuously being fed by the host computer (from which the driver software resides) to the WLAN card/chip for processing and also that it has been established from claim 1 rejection that the WLAN card/chip would also be performing the encapsulation/decapsulation.